



Sen. Peter J. Roskam

Filed: 4/18/2005

09400HB0132sam001

LRB094 04029 RLC 45243 a

1 AMENDMENT TO HOUSE BILL 132

2 AMENDMENT NO. _____. Amend House Bill 132 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 3 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 Sec. 3. (a) Except as provided in Section 3a, no person may
8 knowingly transfer, or cause to be transferred, any firearm or
9 any firearm ammunition to any person within this State unless
10 the transferee with whom he deals displays a currently valid
11 Firearm Owner's Identification Card which has previously been
12 issued in his name by the Department of State Police under the
13 provisions of this Act. In addition, all firearm transfers by
14 federally licensed firearm dealers are subject to Section 3.1.

15 (b) Any person within this State who transfers or causes to
16 be transferred any firearm shall keep a record of such transfer
17 for a period of 10 years from the date of transfer. Such record
18 shall contain the date of the transfer; the description, serial
19 number or other information identifying the firearm if no
20 serial number is available; and, if the transfer was completed
21 within this State, the transferee's Firearm Owner's
22 Identification Card number. On or after January 1, 2006, the
23 record shall contain the date of application for transfer of
24 the firearm. On demand of a peace officer such transferor shall

1 produce for inspection such record of transfer.

2 (c) The provisions of this Section regarding the transfer
3 of firearm ammunition shall not apply to those persons
4 specified in paragraph (b) of Section 2 of this Act.

5 (Source: P.A. 92-442, eff. 8-17-01.)

6 Section 10. The Criminal Code of 1961 is amended by
7 changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 as
8 follows:

9 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

10 Sec. 24-1. Unlawful Use of Weapons.

11 (a) A person commits the offense of unlawful use of weapons
12 when he knowingly:

13 (1) Sells, manufactures, purchases, possesses or
14 carries any bludgeon, black-jack, slung-shot, sand-club,
15 sand-bag, metal knuckles, throwing star, or any knife,
16 commonly referred to as a switchblade knife, which has a
17 blade that opens automatically by hand pressure applied to
18 a button, spring or other device in the handle of the
19 knife, or a ballistic knife, which is a device that propels
20 a knifelike blade as a projectile by means of a coil
21 spring, elastic material or compressed gas; or

22 (2) Carries or possesses with intent to use the same
23 unlawfully against another, a dagger, dirk, billy,
24 dangerous knife, razor, stiletto, broken bottle or other
25 piece of glass, stun gun or taser or any other dangerous or
26 deadly weapon or instrument of like character; or

27 (3) Carries on or about his person or in any vehicle, a
28 tear gas gun projector or bomb or any object containing
29 noxious liquid gas or substance, other than an object
30 containing a non-lethal noxious liquid gas or substance
31 designed solely for personal defense carried by a person 18
32 years of age or older; or

1 (4) Carries or possesses in any vehicle or concealed on
2 or about his person except when on his land or in his own
3 abode or fixed place of business any pistol, revolver, stun
4 gun or taser or other firearm, except that this subsection
5 (a) (4) does not apply to or affect transportation of
6 weapons that meet one of the following conditions:

7 (i) are broken down in a non-functioning state; or

8 (ii) are not immediately accessible; or

9 (iii) are unloaded and enclosed in a case, firearm
10 carrying box, shipping box, or other container by a
11 person who has been issued a currently valid Firearm
12 Owner's Identification Card; or

13 (5) Sets a spring gun; or

14 (6) Possesses any device or attachment of any kind
15 designed, used or intended for use in silencing the report
16 of any firearm; or

17 (7) Sells, manufactures, purchases, possesses or
18 carries:

19 (i) a machine gun, which shall be defined for the
20 purposes of this subsection as any weapon, which
21 shoots, is designed to shoot, or can be readily
22 restored to shoot, automatically more than one shot
23 without manually reloading by a single function of the
24 trigger, including the frame or receiver of any such
25 weapon, or sells, manufactures, purchases, possesses,
26 or carries any combination of parts designed or
27 intended for use in converting any weapon into a
28 machine gun, or any combination or parts from which a
29 machine gun can be assembled if such parts are in the
30 possession or under the control of a person;

31 (ii) any rifle having one or more barrels less than
32 16 inches in length or a shotgun having one or more
33 barrels less than 18 inches in length or any weapon
34 made from a rifle or shotgun, whether by alteration,

1 modification, or otherwise, if such a weapon as
2 modified has an overall length of less than 26 inches;
3 or

4 (iii) any bomb, bomb-shell, grenade, bottle or
5 other container containing an explosive substance of
6 over one-quarter ounce for like purposes, such as, but
7 not limited to, black powder bombs and Molotov
8 cocktails or artillery projectiles; or

9 (8) Carries or possesses any firearm, stun gun or taser
10 or other deadly weapon in any place which is licensed to
11 sell intoxicating beverages, or at any public gathering
12 held pursuant to a license issued by any governmental body
13 or any public gathering at which an admission is charged,
14 excluding a place where a showing, demonstration or lecture
15 involving the exhibition of unloaded firearms is
16 conducted.

17 This subsection (a) (8) does not apply to any auction or
18 raffle of a firearm held pursuant to a license or permit
19 issued by a governmental body, nor does it apply to persons
20 engaged in firearm safety training courses; or

21 (9) Carries or possesses in a vehicle or on or about
22 his person any pistol, revolver, stun gun or taser or
23 firearm or ballistic knife, when he is hooded, robed or
24 masked in such manner as to conceal his identity; or

25 (10) Carries or possesses on or about his person, upon
26 any public street, alley, or other public lands within the
27 corporate limits of a city, village or incorporated town,
28 except when an invitee thereon or therein, for the purpose
29 of the display of such weapon or the lawful commerce in
30 weapons, or except when on his land or in his own abode or
31 fixed place of business, any pistol, revolver, stun gun or
32 taser or other firearm, except that this subsection (a)
33 (10) does not apply to or affect transportation of weapons
34 that meet one of the following conditions:

1 (i) are broken down in a non-functioning state; or
2 (ii) are not immediately accessible; or
3 (iii) are unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container by a
5 person who has been issued a currently valid Firearm
6 Owner's Identification Card.

7 A "stun gun or taser", as used in this paragraph (a)
8 means (i) any device which is powered by electrical
9 charging units, such as, batteries, and which fires one or
10 several barbs attached to a length of wire and which, upon
11 hitting a human, can send out a current capable of
12 disrupting the person's nervous system in such a manner as
13 to render him incapable of normal functioning or (ii) any
14 device which is powered by electrical charging units, such
15 as batteries, and which, upon contact with a human or
16 clothing worn by a human, can send out current capable of
17 disrupting the person's nervous system in such a manner as
18 to render him incapable of normal functioning; or

19 (11) Sells, manufactures or purchases any explosive
20 bullet. For purposes of this paragraph (a) "explosive
21 bullet" means the projectile portion of an ammunition
22 cartridge which contains or carries an explosive charge
23 which will explode upon contact with the flesh of a human
24 or an animal. "Cartridge" means a tubular metal case having
25 a projectile affixed at the front thereof and a cap or
26 primer at the rear end thereof, with the propellant
27 contained in such tube between the projectile and the cap;
28 or

29 (12) (Blank).

30 (b) Sentence. A person convicted of a violation of
31 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
32 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
33 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
34 commits a Class 4 felony; a person convicted of a violation of

1 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
2 Class 3 felony. A person convicted of a violation of subsection
3 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is
4 possessed in the passenger compartment of a motor vehicle as
5 defined in Section 1-146 of the Illinois Vehicle Code, or on
6 the person, while the weapon is loaded, in which case it shall
7 be a Class X felony. A person convicted of a second or
8 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
9 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The
10 possession of each weapon in violation of this Section
11 constitutes a single and separate violation.

12 (c) Violations in specific places.

13 (1) A person who violates subsection 24-1(a)(6) or
14 24-1(a)(7) in any school, regardless of the time of day or
15 the time of year, in residential property owned, operated
16 or managed by a public housing agency or leased by a public
17 housing agency as part of a scattered site or mixed-income
18 development, in a public park, in a courthouse, on the real
19 property comprising any school, regardless of the time of
20 day or the time of year, on residential property owned,
21 operated or managed by a public housing agency or leased by
22 a public housing agency as part of a scattered site or
23 mixed-income development, on the real property comprising
24 any public park, on the real property comprising any
25 courthouse, in any conveyance owned, leased or contracted
26 by a school to transport students to or from school or a
27 school related activity, or on any public way within 1,000
28 feet of the real property comprising any school, public
29 park, courthouse, or residential property owned, operated,
30 or managed by a public housing agency or leased by a public
31 housing agency as part of a scattered site or mixed-income
32 development commits a Class 2 felony.

33 (1.5) A person who violates subsection 24-1(a)(4),
34 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the

1 time of day or the time of year, in residential property
2 owned, operated, or managed by a public housing agency or
3 leased by a public housing agency as part of a scattered
4 site or mixed-income development, in a public park, in a
5 courthouse, on the real property comprising any school,
6 regardless of the time of day or the time of year, on
7 residential property owned, operated, or managed by a
8 public housing agency or leased by a public housing agency
9 as part of a scattered site or mixed-income development, on
10 the real property comprising any public park, on the real
11 property comprising any courthouse, in any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity, or
14 on any public way within 1,000 feet of the real property
15 comprising any school, public park, courthouse, or
16 residential property owned, operated, or managed by a
17 public housing agency or leased by a public housing agency
18 as part of a scattered site or mixed-income development
19 commits a Class 3 felony.

20 (2) A person who violates subsection 24-1(a)(1),
21 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
22 time of day or the time of year, in residential property
23 owned, operated or managed by a public housing agency or
24 leased by a public housing agency as part of a scattered
25 site or mixed-income development, in a public park, in a
26 courthouse, on the real property comprising any school,
27 regardless of the time of day or the time of year, on
28 residential property owned, operated or managed by a public
29 housing agency or leased by a public housing agency as part
30 of a scattered site or mixed-income development, on the
31 real property comprising any public park, on the real
32 property comprising any courthouse, in any conveyance
33 owned, leased or contracted by a school to transport
34 students to or from school or a school related activity, or

1 on any public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 4 felony. "Courthouse" means any building
7 that is used by the Circuit, Appellate, or Supreme Court of
8 this State for the conduct of official business.

9 (3) Paragraphs (1), (1.5), and (2) of this subsection
10 (c) shall not apply to law enforcement officers or security
11 officers of such school, college, or university or to
12 students carrying or possessing firearms for use in
13 training courses, parades, hunting, target shooting on
14 school ranges, or otherwise with the consent of school
15 authorities and which firearms are transported unloaded
16 enclosed in a suitable case, box, or transportation
17 package.

18 (4) For the purposes of this subsection (c), "school"
19 means any public or private elementary or secondary school,
20 community college, college, or university.

21 (d) The presence in an automobile other than a public
22 omnibus of any weapon, instrument or substance referred to in
23 subsection (a)(7) is prima facie evidence that it is in the
24 possession of, and is being carried by, all persons occupying
25 such automobile at the time such weapon, instrument or
26 substance is found, except under the following circumstances:
27 (i) if such weapon, instrument or instrumentality is found upon
28 the person of one of the occupants therein; or (ii) if such
29 weapon, instrument or substance is found in an automobile
30 operated for hire by a duly licensed driver in the due, lawful
31 and proper pursuit of his trade, then such presumption shall
32 not apply to the driver.

33 (e) Exemptions. Crossbows, Common or Compound bows and
34 Underwater Spearguns are exempted from the definition of

1 ballistic knife as defined in paragraph (1) of subsection (a)
2 of this Section.

3 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
4 91-690, eff. 4-13-00.)

5 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

6 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
7 Felons or Persons in the Custody of the Department of
8 Corrections Facilities.

9 (a) It is unlawful for a person to knowingly possess on or
10 about his person or on his land or in his own abode or fixed
11 place of business any weapon prohibited under Section 24-1 of
12 this Act or any firearm or any firearm ammunition if the person
13 has been convicted of a felony under the laws of this State or
14 any other jurisdiction. This Section shall not apply if the
15 person has been granted relief by the Director of the
16 Department of State Police under Section 10 of the Firearm
17 Owners Identification Card Act.

18 (b) It is unlawful for any person confined in a penal
19 institution, which is a facility of the Illinois Department of
20 Corrections, to possess any weapon prohibited under Section
21 24-1 of this Code or any firearm or firearm ammunition,
22 regardless of the intent with which he possesses it.

23 (c) It shall be an affirmative defense to a violation of
24 subsection (b), that such possession was specifically
25 authorized by rule, regulation, or directive of the Illinois
26 Department of Corrections or order issued pursuant thereto.

27 (d) The defense of necessity is not available to a person
28 who is charged with a violation of subsection (b) of this
29 Section.

30 (e) Sentence. Violation of this Section by a person not
31 confined in a penal institution shall be a Class 3 felony for
32 which the person, if sentenced to a term of imprisonment, shall
33 be sentenced to no less than 2 years and no more than 10 years.

1 Violation of this Section by a person not confined in a penal
2 institution who has been convicted of a forcible felony, a
3 felony violation of Article 24 of this Code or of the Firearm
4 Owners Identification Card Act, stalking or aggravated
5 stalking, or a Class 2 or greater felony under the Illinois
6 Controlled Substances Act or the Cannabis Control Act is a
7 Class 2 felony for which the person, if sentenced to a term of
8 imprisonment, shall be sentenced to not less than 3 years and
9 not more than 14 years. Violation of this Section by a person
10 who is on parole or mandatory supervised release is a Class 2
11 felony for which the person, if sentenced to a term of
12 imprisonment, shall be sentenced to not less than 3 years and
13 not more than 14 years. Violation of this Section by a person
14 not confined in a penal institution is a Class X felony when
15 the firearm possessed is a machine gun. Any person who violates
16 this Section while confined in a penal institution, which is a
17 facility of the Illinois Department of Corrections, is guilty
18 of a Class 1 felony, if he possesses any weapon prohibited
19 under Section 24-1 of this Code regardless of the intent with
20 which he possesses it, a Class X felony if he possesses any
21 firearm, firearm ammunition or explosive, and a Class X felony
22 for which the offender shall be sentenced to not less than 12
23 years and not more than 50 years when the firearm possessed is
24 a machine gun. A violation of this Section while wearing or in
25 possession of body armor as defined in Section 33F-1 is a Class
26 X felony punishable by a term of imprisonment of not less than
27 10 years and not more than 40 years. The possession of each
28 firearm or firearm ammunition in violation of this Section
29 constitutes a single and separate violation.

30 (Source: P.A. 93-906, eff. 8-11-04.)

31 (720 ILCS 5/24-1.6)

32 Sec. 24-1.6. Aggravated unlawful use of a weapon.

33 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

2 (1) Carries on or about his or her person or in any
3 vehicle or concealed on or about his or her person except
4 when on his or her land or in his or her abode or fixed
5 place of business any pistol, revolver, stun gun or taser
6 or other firearm; or

7 (2) Carries or possesses on or about his or her person,
8 upon any public street, alley, or other public lands within
9 the corporate limits of a city, village or incorporated
10 town, except when an invitee thereon or therein, for the
11 purpose of the display of such weapon or the lawful
12 commerce in weapons, or except when on his or her own land
13 or in his or her own abode or fixed place of business, any
14 pistol, revolver, stun gun or taser or other firearm; and

15 (3) One of the following factors is present:

16 (A) the firearm possessed was uncased, loaded and
17 immediately accessible at the time of the offense; or

18 (B) the firearm possessed was uncased, unloaded
19 and the ammunition for the weapon was immediately
20 accessible at the time of the offense; or

21 (C) the person possessing the firearm has not been
22 issued a currently valid Firearm Owner's
23 Identification Card; or

24 (D) the person possessing the weapon was
25 previously adjudicated a delinquent minor under the
26 Juvenile Court Act of 1987 for an act that if committed
27 by an adult would be a felony; or

28 (E) the person possessing the weapon was engaged in
29 a misdemeanor violation of the Cannabis Control Act or
30 in a misdemeanor violation of the Illinois Controlled
31 Substances Act; or

32 (F) the person possessing the weapon is a member of
33 a street gang or is engaged in street gang related
34 activity, as defined in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act; or

2 (G) the person possessing the weapon had a order of
3 protection issued against him or her within the
4 previous 2 years; or

5 (H) the person possessing the weapon was engaged in
6 the commission or attempted commission of a
7 misdemeanor involving the use or threat of violence
8 against the person or property of another; or

9 (I) the person possessing the weapon was under 21
10 years of age and in possession of a handgun as defined
11 in Section 24-3, unless the person under 21 is engaged
12 in lawful activities under the Wildlife Code or
13 described in subsection 24-2(b)(1), (b)(3), or
14 24-2(f).

15 (b) "Stun gun or taser" as used in this Section has the
16 same definition given to it in Section 24-1 of this Code.

17 (c) This Section does not apply to or affect the
18 transportation or possession of weapons that:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container by a
23 person who has been issued a currently valid Firearm
24 Owner's Identification Card.

25 (d) Sentence. Aggravated unlawful use of a weapon is a
26 Class 4 felony; a second or subsequent offense is a Class 2
27 felony. Aggravated unlawful use of a weapon by a person who has
28 been previously convicted of a felony in this State or another
29 jurisdiction is a Class 2 felony. Aggravated unlawful use of a
30 weapon while wearing or in possession of body armor as defined
31 in Section 33F-1 by a person who has not been issued a valid
32 Firearms Owner's Identification Card in accordance with
33 Section 5 of the Firearm Owners Identification Card Act is a
34 Class X felony. The possession of each firearm in violation of

1 this Section constitutes a single and separate violation.

2 (Source: P.A. 93-906, eff. 8-11-04.)

3 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

4 Sec. 24-3. Unlawful Sale of Firearms.

5 (A) A person commits the offense of unlawful sale of
6 firearms when he or she knowingly does any of the following:

7 (a) Sells or gives any firearm of a size which may be
8 concealed upon the person to any person under 18 years of
9 age.

10 (b) Sells or gives any firearm to a person under 21
11 years of age who has been convicted of a misdemeanor other
12 than a traffic offense or adjudged delinquent.

13 (c) Sells or gives any firearm to any narcotic addict.

14 (d) Sells or gives any firearm to any person who has
15 been convicted of a felony under the laws of this or any
16 other jurisdiction.

17 (e) Sells or gives any firearm to any person who has
18 been a patient in a mental hospital within the past 5
19 years.

20 (f) Sells or gives any firearms to any person who is
21 mentally retarded.

22 (g) Delivers any firearm of a size which may be
23 concealed upon the person, incidental to a sale, without
24 withholding delivery of such firearm for at least 72 hours
25 after application for its purchase has been made, or
26 delivers any rifle, shotgun or other long gun, incidental
27 to a sale, without withholding delivery of such rifle,
28 shotgun or other long gun for at least 24 hours after
29 application for its purchase has been made. However, this
30 paragraph (g) does not apply to: (1) the sale of a firearm
31 to a law enforcement officer if the seller of the firearm
32 knows that the person to whom he or she is selling the
33 firearm is a law enforcement officer or the sale of a

1 firearm to a person who desires to purchase a firearm for
2 use in promoting the public interest incident to his or her
3 employment as a bank guard, armed truck guard, or other
4 similar employment; (2) a mail order sale of a firearm to a
5 nonresident of Illinois under which the firearm is mailed
6 to a point outside the boundaries of Illinois; (3) the sale
7 of a firearm to a nonresident of Illinois while at a
8 firearm showing or display recognized by the Illinois
9 Department of State Police; or (4) the sale of a firearm to
10 a dealer licensed as a federal firearms dealer under
11 Section 923 of the federal Gun Control Act of 1968 (18
12 U.S.C. 923). For purposes of this paragraph (g),
13 "application" means when the buyer and seller reach an
14 agreement to purchase a firearm.

15 (h) While holding any license as a dealer, importer,
16 manufacturer or pawnbroker under the federal Gun Control
17 Act of 1968, manufactures, sells or delivers to any
18 unlicensed person a handgun having a barrel, slide, frame
19 or receiver which is a die casting of zinc alloy or any
20 other nonhomogeneous metal which will melt or deform at a
21 temperature of less than 800 degrees Fahrenheit. For
22 purposes of this paragraph, (1) "firearm" is defined as in
23 the Firearm Owners Identification Card Act; and (2)
24 "handgun" is defined as a firearm designed to be held and
25 fired by the use of a single hand, and includes a
26 combination of parts from which such a firearm can be
27 assembled.

28 (i) Sells or gives a firearm of any size to any person
29 under 18 years of age who does not possess a valid Firearm
30 Owner's Identification Card.

31 (j) Sells or gives a firearm while engaged in the
32 business of selling firearms at wholesale or retail without
33 being licensed as a federal firearms dealer under Section
34 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

1 In this paragraph (j):

2 A person "engaged in the business" means a person who
3 devotes time, attention, and labor to engaging in the
4 activity as a regular course of trade or business with the
5 principal objective of livelihood and profit, but does not
6 include a person who makes occasional repairs of firearms
7 or who occasionally fits special barrels, stocks, or
8 trigger mechanisms to firearms.

9 "With the principal objective of livelihood and
10 profit" means that the intent underlying the sale or
11 disposition of firearms is predominantly one of obtaining
12 livelihood and pecuniary gain, as opposed to other intents,
13 such as improving or liquidating a personal firearms
14 collection; however, proof of profit shall not be required
15 as to a person who engages in the regular and repetitive
16 purchase and disposition of firearms for criminal purposes
17 or terrorism.

18 (k) Sells or transfers ownership of a firearm to a
19 person who does not display to the seller or transferor of
20 the firearm a currently valid Firearm Owner's
21 Identification Card that has previously been issued in the
22 transferee's name by the Department of State Police under
23 the provisions of the Firearm Owners Identification Card
24 Act. This paragraph (k) does not apply to the transfer of a
25 firearm to a person who is exempt from the requirement of
26 possessing a Firearm Owner's Identification Card under
27 Section 2 of the Firearm Owners Identification Card Act.
28 For the purposes of this Section, a currently valid Firearm
29 Owner's Identification Card means (i) a Firearm Owner's
30 Identification Card that has not expired or (ii) if the
31 transferor is licensed as a federal firearms dealer under
32 Section 923 of the federal Gun Control Act of 1968 (18
33 U.S.C. 923), an approval number issued in accordance with
34 Section 3.1 of the Firearm Owners Identification Card Act

1 shall be proof that the Firearm Owner's Identification Card
2 was valid.

3 (B) Paragraph (h) of subsection (A) does not include
4 firearms sold within 6 months after enactment of Public Act
5 78-355 (approved August 21, 1973, effective October 1, 1973),
6 nor is any firearm legally owned or possessed by any citizen or
7 purchased by any citizen within 6 months after the enactment of
8 Public Act 78-355 subject to confiscation or seizure under the
9 provisions of that Public Act. Nothing in Public Act 78-355
10 shall be construed to prohibit the gift or trade of any firearm
11 if that firearm was legally held or acquired within 6 months
12 after the enactment of that Public Act.

13 (C) Sentence.

14 (1) Any person convicted of unlawful sale of firearms
15 in violation of any of paragraphs (c) through (h) of
16 subsection (A) commits a Class 4 felony.

17 (2) Any person convicted of unlawful sale of firearms
18 in violation of paragraph (b) or (i) of subsection (A)
19 commits a Class 3 felony.

20 (3) Any person convicted of unlawful sale of firearms
21 in violation of paragraph (a) of subsection (A) commits a
22 Class 2 felony.

23 (4) Any person convicted of unlawful sale of firearms
24 in violation of paragraph (a), (b), or (i) of subsection
25 (A) in any school, on the real property comprising a
26 school, within 1,000 feet of the real property comprising a
27 school, at a school related activity, or on or within 1,000
28 feet of any conveyance owned, leased, or contracted by a
29 school or school district to transport students to or from
30 school or a school related activity, regardless of the time
31 of day or time of year at which the offense was committed,
32 commits a Class 1 felony. Any person convicted of a second
33 or subsequent violation of unlawful sale of firearms in
34 violation of paragraph (a), (b), or (i) of subsection (A)

1 in any school, on the real property comprising a school,
2 within 1,000 feet of the real property comprising a school,
3 at a school related activity, or on or within 1,000 feet of
4 any conveyance owned, leased, or contracted by a school or
5 school district to transport students to or from school or
6 a school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony for which the sentence shall be a term of
9 imprisonment of no less than 5 years and no more than 15
10 years.

11 (5) Any person convicted of unlawful sale of firearms
12 in violation of paragraph (a) or (i) of subsection (A) in
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development, in
16 a public park, in a courthouse, on residential property
17 owned, operated, or managed by a public housing agency or
18 leased by a public housing agency as part of a scattered
19 site or mixed-income development, on the real property
20 comprising any public park, on the real property comprising
21 any courthouse, or on any public way within 1,000 feet of
22 the real property comprising any public park, courthouse,
23 or residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development
26 commits a Class 2 felony.

27 (6) Any person convicted of unlawful sale of firearms
28 in violation of paragraph (j) of subsection (A) commits a
29 Class A misdemeanor. A second or subsequent violation is a
30 Class 4 felony.

31 (7) Any person convicted of unlawful sale of firearms
32 in violation of paragraph (k) of subsection (A) commits a
33 Class 4 felony. A third or subsequent conviction for a
34 violation of paragraph (k) of subsection (A) is a Class 1

1 felony.

2 (D) For purposes of this Section:

3 "School" means a public or private elementary or secondary
4 school, community college, college, or university.

5 "School related activity" means any sporting, social,
6 academic, or other activity for which students' attendance or
7 participation is sponsored, organized, or funded in whole or in
8 part by a school or school district.

9 (E) A prosecution for a violation of paragraph (k) of
10 subsection (A) of this Section may be commenced within 6 years
11 after the commission of the offense. A prosecution for a
12 violation of this Section other than paragraph (g) of
13 subsection (A) of this Section may be commenced within 5 years
14 after the commission of the offense defined in the particular
15 paragraph.

16 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

17 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

18 Sec. 24-3.1. Unlawful possession of firearms and firearm
19 ammunition.

20 (a) A person commits the offense of unlawful possession of
21 firearms or firearm ammunition when:

22 (1) He is under 18 years of age and has in his
23 possession any firearm of a size which may be concealed
24 upon the person; or

25 (2) He is under 21 years of age, has been convicted of
26 a misdemeanor other than a traffic offense or adjudged
27 delinquent and has any firearms or firearm ammunition in
28 his possession; or

29 (3) He is a narcotic addict and has any firearms or
30 firearm ammunition in his possession; or

31 (4) He has been a patient in a mental hospital within
32 the past 5 years and has any firearms or firearm ammunition
33 in his possession; or

1 (5) He is mentally retarded and has any firearms or
2 firearm ammunition in his possession; or

3 (6) He has in his possession any explosive bullet.

4 For purposes of this paragraph "explosive bullet" means the
5 projectile portion of an ammunition cartridge which contains or
6 carries an explosive charge which will explode upon contact
7 with the flesh of a human or an animal. "Cartridge" means a
8 tubular metal case having a projectile affixed at the front
9 thereof and a cap or primer at the rear end thereof, with the
10 propellant contained in such tube between the projectile and
11 the cap; or

12 (b) Sentence.

13 Unlawful possession of firearms, other than handguns, and
14 firearm ammunition is a Class A misdemeanor. Unlawful
15 possession of handguns is a Class 4 felony. The possession of
16 each firearm or firearm ammunition in violation of this Section
17 constitutes a single and separate violation.

18 (c) Nothing in paragraph (1) of subsection (a) of this
19 Section prohibits a person under 18 years of age from
20 participating in any lawful recreational activity with a
21 firearm such as, but not limited to, practice shooting at
22 targets upon established public or private target ranges or
23 hunting, trapping, or fishing in accordance with the Wildlife
24 Code or the Fish and Aquatic Life Code.

25 (Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."